



SO ORDERED.

SIGNED this 22 day of January, 2013.

Stephani W. Humrickhouse

**Stephani W. Humrickhouse
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

CASE NO.

MATTHEW HORACE TEMPLE	12-04049-8-SWH
DAVID BERNARD EICHACKER, SR. and JEAN THOMPSON EICHACKER	12-03063-8-SWH
LAURIE SOLDEVILLA BULALA	12-02855-8-SWH
VANNESSA JEAN MARIE KLEIN	12-02859-8-SWH
MELISSA TANT LINDER	12-03151-8-SWH
BENNY SCOTT DAMERON and AMY BRANN DAMERON	12-03146-8-SWH
APRIL STAR KNISH	12-03153-8-SWH
RICKEY JASPER PRIVETTE, JR.	12-04640-8-SWH
SAMUEL JOSEPH TRIPP and ANGELA DURHAM TRIPP	12-04535-8-SWH
PAUL EDWARD LANDRY and VICKI SUE LANDRY	12-04033-8-SWH
MELANIE ELIZABETH OWENS	12-04083-8-SWH

**JAMES E. KANE and
ROBIN CHRISTINE KANE**

12-04659-8-SWH

FREDA PRATT BRANCH

12-04792-8-SWH

**ROBERT FRANCIS BLEGGI and
ELLEN ELIZABETH BLEGGI,**

12-02009-8-SWH

DEBTORS

ORDER

These matters came on to be heard upon the Chapter 13 trustee's motions to dismiss on the grounds that the debtors failed to contribute their projected disposable income to the payment of unsecured creditors under their plans pursuant to 11 U.S.C. § 1325(b)(1)(B). The debtors have objected to the trustee's motions and a hearing was held on December 10, 2012, at 2:00 p.m. in Raleigh, North Carolina. The court opened the hearing to all interested parties and allowed the filing of amicus briefs prior to the hearing.

In each of the above-captioned cases, the debtors filed voluntary petitions under Chapter 13 of the Bankruptcy Code and John F. Logan was appointed as the Chapter 13 trustee. Of the fourteen cases specifically before this court, seven propose plans that extend over the entire applicable commitment period. In seven cases, the plans propose a period of less than the applicable commitment period. Of the twelve above-median income cases, seven have plans proposed for between thirty-six and forty-five months. All fourteen plans contain "early termination language." This language permits early termination of the plan upon the payment of allowed secured, priority, and administrative claims and the payment of any required dividend to non-priority unsecured creditors under § 1323(b)(1)(B).

A complete recitation of the arguments of counsel is set forth in the Order entered by the Honorable J. Rich Leonard in In re Nicholas David Ballew, Case No. 12-04059-8-JRL on January 11, 2013, which is incorporated hereby by reference. The court will deny the trustee's motions to dismiss based upon the reasoning and ruling in that case.

SO ORDERED.

END OF DOCUMENT